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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,091	07/11/2003	Martin P. Klein	NEX-007	3818
42532	7590	11/17/2005		
PROSKAUER ROSE LLP ONE INTERNATIONAL PLACE 14TH FL BOSTON, MA 02110			EXAMINER UNDERWOOD, DONALD W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,091

Applicant(s)

KLEIN ET AL.

Examiner

Donald Underwood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/19/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 18-50 and 53-58 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 51 is/are rejected.
- 7) ☒ Claim(s) 13, 14 and 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/11/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>072104&020205</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt of the IDS's filed 07/21/04 and 02/02/05 is acknowledged. The references listed on the IDS filed 07/21/04 have been considered. The U. S. references listed on the IDS filed 02/02/05 have been considered. Copies of the foreign references and literature listed on the IDS filed 02/02/05 were not received and thus have not been considered. The U. S. applications listed in appendix A were not considered. Applicants' are reminded of their responsibility to maintain a clear line of patentability between the instant application and any other related application. The patents listed in appendix B appeared on the IDS filed 07/21/04 and were considered.

The drawings are objected to under 37CFR1.83 (a) as failing to show and label a friction pad attached to an edge guide. It is also noted that in figure 5, 24' should be 24" and the lead line for 64 should denote the cut-outs and in figure 7B the lead line for 14 should denote the wafer. Correction is required. The introduction of new matter should be guarded against.

In the specification, page 6, line 31, 20' should be 20b and 2B should be 2A; page 11, line 18, "first surface 54" should be --second surface 56-- and in line 29 "second surface 56" should be --first surface 54--; page 12, line 31, --70-- should be inserted after "clamp" and "70" should be --72--.

Claims 18-50 and 53-58 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/19/05.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "in mechanical communication" in claim 1 renders the claims indefinite since it fails to provide clear structural relationship, i. e., it is unclear what structure the phrase provides.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12 and 51 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Siniaguine, et al.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siniaguine, et al.

Regarding claim 2, it would have been obvious to attach the friction pads and edge guides to prevent movement of the substrate on the friction pads.

Regarding claims 8 and 9, the type of material used for the friction pads would have been an obvious matter of choice as long as it served as a friction pad.

Claims 3, 4, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casarotti, et al in view of Siniaguine, et al.

It would have been obvious to provide friction pads on the support member in Casarotti in view of the teaching in Siniaguine (pads 140).

Regarding claims 3, 4 and 5, note figure 1B in Casarotti where some passages are in a circle and some, in a semi-circle.

Regarding claim 10, note 30 in Casarotti.

Claim 6 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Siniaguine, et al. in view of Godwin.

It would have been obvious to angle the passages in Siniaguine as claimed in view of the teaching in Godwin.

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Claims 13, 14 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15, 16 and 17 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Underwood whose telephone number is 571-272-6933. The examiner can normally be reached on Mon-Thursday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donald Underwood 11/08/05
Donald Underwood
Primary Examiner
Art Unit 3652

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